IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

CRP.No. 2081 of 2001(A)

(OP(Ele.) .236/1996 of ADDL. DISTRICT COURT, THODUPUZHA)

REVN. PETITIONER/PETITIONER IN O.P.(Ele.):

DEVASYA,
S/O. CHACKO,
CHETTAKKARICKAL HOUSE,
VAZHAVARA P.O.,
KATTAPPANA VILLAGE.

BY ADV. SRI.JOSEPH PUNNOOSE

RESPONDENT/COUNTER PETITIONER:

KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
K.S.E.BOARD,
THIRUVANANTHAPURAM.

BY ADV. SRI.KODOTH SREEDHARAN, SC, KSEB
ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

.....

C.R.P. No. 2081 OF 2001

.....

Dated this the 31st October, 2007

O R D E R

For the purpose of drawing electric line, trees from the property of the revision petitioner were cut and removed. Compensation was awarded. Dissatisfied with the award, a petition was filed by the revision petitioner before the court of the Addl. District Judge, Thodupuzha, as O.P.(Ele.)No. 236 of 1996.

2. The compensation awarded by the Electricity Board was Rs. 28,737/-. The court below held that the revision petitioner is entitled for an additional compensation of Rs.25,399/- under various heads. The revision petitioner, dissatisfied with the award passed by the court below, has filed this Civil Revision Petition.

3. Learned counsel for the revision petitioner would contend that the amount awarded by the court below is very low. The yield from the trees was not properly assessed by the court below which resulted in granting very low amount as compensation, it is contended. The learned counsel relied on the decision reported in ***Vemareddy Kumaraswamy Reddy vs. State of Andhra Pradesh ([2006] 2 Supreme Court Cases 670)*** and the decision of the Supreme Court in ***K.S.E.B. vs. Livisha (2007 (3) K.L.T. 1 [SC]).***

4. I do not propose to deal with each and every item of evidence and the various heads of claims. I am of the view that in view of the decision of the Supreme Court in ***Livisha's case,*** the matter requires re-consideration by the

trial court on the basis of the evidence already on record. Accordingly, the order passed by the court below is set aside and the case is remanded to the court below for fresh disposal in the light of the decision of the Supreme Court in ***Livisha's case*** and other binding decisions. The parties are at liberty to put forward all the contentions which are available to them.

Accordingly, the Civil Revision Petition is allowed. The order passed by the court below is set aside and the case is remanded to the trial court for fresh disposal in the manner indicated above. No order as to costs.

K.T. SANKARAN,
JUDGE.

lk

K.T. SANKARAN, J.

.....

C.R.P. No. 2081 OF 2001

.....

Dated this the 31st October, 2007

J U D G M E N T